

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF COURT SECURITY)	ADMINISTRATIVE ORDER
IN THE TRIAL COURTS OF MARICOPA)	NO. 2004-122
COUNTY)	
_____)	

Whereas, the Court has reconsidered its existing security by-pass policies in light of changes in the security threat to judicial officers, courthouses and the public, prevailing national standards and recommendations from law enforcement agencies, and

Whereas, the Court has considered the comments and advisory recommendations of various stakeholders who access the courthouse, and

Whereas, the family court department, which by nature of its work requires the highest security requirements, is present in all court buildings, and

Whereas, there is a demonstrable need for enhanced security in all current and future justice and superior court facilities in Maricopa County,

IT IS ORDERED:

A. General

1. The Presiding Judge of Maricopa County shall chair the Security Committee of the Trial Courts to ensure effective communication between the Security Committee, the County, security experts and administration in the trial courts. Every two years, the Security Committee will engage an outside expert, such as the United States Marshals Service, to conduct a security audit of the trial courts and make recommendations to the Security Committee.

B. Entryways to Courthouses

1. An armed security presence must be at or reasonably proximal to the entrances to the downtown, southeast, and new regional courthouses. The Maricopa County Sheriff's Office shall, in the first instance, provide this security presence. This change will occur as soon as possible at the southeast and downtown courthouses, and, then, as the regional courthouses are constructed.

C. Construction of More Screening Stations, Card Entrances

1. The Court must have the ability to screen all entrants to the courthouse if a security threat or changing national norms requires the Court to do so. Bypass of security screening should be an exception based upon justifiable need and

appropriate background checks, not the rule. All future courthouse construction shall have adequate space set aside for security, and screening stations to screen all entrants to the courthouse. Existing courthouse facilities shall be modified to add space and increase screening stations to screen all entrants to the courthouse. The Court Administrator shall work with the County to develop a capital improvement plan to accomplish this result by July 1, 2007.

2. Entrances to judicial suites and chambers in Superior Court buildings shall be restricted to card or key access. The Court Administrator shall develop a plan to put in place card or key access to judicial suites and chambers in all existing court buildings and the new regional court facilities. The Maricopa County Sheriff's Office shall have key or card access to judicial suites and chambers for emergency response.

D. Enlarging the Judicial Security Net Downtown

1. The Court's security policies downtown should, with the Board of Supervisors consent, encompass the County Administration Building to allow unrestricted access from within the County complex to the Courts. The Court Administrator shall commence discussions with the County Administrator to address whether the County Administration building will adopt procedures with its Security Department similar to the Judicial Security Policy.
2. The Court Administrator shall initiate discussions with the County with the goal of increasing security for the County Cafeteria located in the East Court Building.

E. Judicial Officers and Judges Pro Tem

1. Constitutional Judicial Officers, and the elected Clerk of the Court, shall be given a security by-pass privilege and card by reason of Office. For active full-time Judges and Commissioners, and retired judges who have been called back to duty, and the elected Clerk of the Court, this by-pass privilege shall apply to all entrances to the courthouse. Supreme Court Justices and Court of Appeals Judges shall be given a security by-pass privilege and card upon request.
2. Judges pro tem shall be given a security by-pass privilege during their term as judges pro tem. Judge pro tem by-pass cards shall be similar in restriction to employee by-pass cards; that is, judges pro tem by-pass privileges are for employee entrances and they may be subject to random inspection at employee entrances.

F. Judicial Employees and County Employees Whose Work-Station is Within the Judicial Security Net

1. Judicial Branch employees shall be given a security by-pass privilege and card by reason of employment upon the approval of the Court Administrator and

completion of a criminal background check. County Employees whose workstation office is located within the judicial security net shall be given a security by-pass privilege and card by reason of their employment on the premises upon the approval of the Court Administrator and completion of a criminal background check. This does not apply to county employees whose workstation office is located outside the judicial security net. The security by-pass privilege and card shall be utilized only at designated employee entrances and, even then, employees shall be subject to random screening and inspection at these entrances. The security by-pass privilege and card cannot be utilized at designated public entrances to the courthouse. Security by-pass privileges are suspended for any judicial branch or county employee with a pending criminal case or family court case or order of protection or injunction against harassment, an eviction hearing or any pre-disciplinary or disciplinary proceeding pending against them. Judicial Branch employees and County employees with a by-pass card are required to report any pending court case involving them to the Court Administrator immediately. The Court Administrator shall develop a plan to compare the employee list with the active case file on a regular basis.

2. Armed Probation Officers shall not bring weapons into the Courthouse. Armed Probation Officers shall check their weapons upon entering a Courthouse.

G. Police Officers

1. Police Officers either in uniform or with visibly displayed law enforcement identification who appear in Court as witnesses pursuant to a subpoena or for official business such as seeking a search warrant, and who do not have any pending family court or criminal case or order of protection or injunction against harassment or eviction or any pre-disciplinary or disciplinary proceedings against them under which A.R.S. §38-1101 applies, upon signing in at a designated security checkpoint at the courthouse, may keep possession of their weapons in the courthouse. The Court Administrator shall establish sign-in procedures that includes a verification that the police officer is complying with these judicial security policies. The Court recognizes that Police Officers in uniform who appear in Court in the normal course of their duties are, by virtue of their duties, also additional security officials within the courthouse. The Police Officer shall follow the policy of each Judge as to whether weapons may be brought into a particular courtroom or checked with the Judge in a gun locker before entering the courtroom. The Court Administrator shall develop by July 1, 2006, the technological capability for a sign-in Judicial Security Officer to check both police officer identity and good standing and verify subpoenas at check-in.
2. In juvenile court, if all juvenile judges in a courthouse require police officers to check their weapons before entering a courtroom, the presiding judge of the juvenile court may require all weapons to be checked into a gun locker at the entry to the courthouse.

3. A Police Officer who is coming to court as a party in a case shall not seek by-pass and shall not bring any weapons into the courthouse. A Police Officer coming to court as a party should not wear a uniform. Under these circumstances, when a Police Officer is coming as a party to a lawsuit, a Police Officer shall go through screening as any other member of the public and be subject to the same rules as any other member of the public.
4. A Police Officer who is coming to court as a witness in the normal course of duty, but who has a pending family court case or order of protection or injunction against harassment or eviction case or a pre-disciplinary or disciplinary hearing pending, upon signing in at a security station in the courthouse, shall place all weapons into a gun locker at the security station before entering the courthouse and proceed through the regular public security screening process.
5. A Police Officer who is not readily identifiable as a law enforcement official, either by reason of uniform or a visible display of law enforcement identification, shall not bring a weapon into the courthouse. No officer can by-pass security sign-in, check-in or screening by showing a police identification badge.
6. Police Departments are expected to adopt policies and procedures to ensure compliance with this Administrative Order. The Court Administrator shall periodically run the list of Police Officer entrants with the database of pending court cases. The Court may suspend or terminate by-pass privileges entirely for any Police Department which has an officer violate these policies.

H. Attorneys

1. Attorneys shall be treated as other members of the public and be subject to security screening. This policy will be phased in. Existing security by-pass cards shall be effective until their expiration date or April 1, 2005, whichever is sooner.
2. The Court Administrator shall establish as soon as practicable express screening stations for attorneys where space allows. Express screening stations may be open during the peak times for accessing the courthouse.
3. Attorneys with physical disabilities may apply for security by-pass privileges based upon a showing of demonstrable need, subject to all applicable background checks. An assistant to an attorney with disabilities may also apply for by-pass with the attorney if necessary to accompany the attorney with disabilities, subject to all applicable background checks. Attorney by-pass for attorneys with disabilities shall have the same restrictions as employee by-pass: they will apply only to designated entrances and the attorney and assistant will still be subject to random inspection or screening. Privileges are suspended in the event of a pending family or criminal court case, order of protection, injunction against harassment, eviction or pre-disciplinary or disciplinary hearing.

4. Attorneys whose work-station is within the courthouse (for example, public defenders and county attorneys at the Durango juvenile courthouse; or county attorneys at the southeast courthouse), may apply for security by-pass which shall have the same restrictions and requirements as those for employee by-pass: they will apply only to designated entrances and the attorneys will still be subject to random inspection and screening. Privileges are suspended in the event of a pending family or criminal court case, order of protection, injunction against harassment, eviction or pre-disciplinary or disciplinary hearing.
5. As officers of the court, an attorney with a security by-pass card shall notify the Court Administrator of any pending court cases against them. The Court Administrator shall periodically run the list of attorneys with security by-pass privileges against the database of open cases. Failure to adhere to this administrative order may result in suspension or termination of by-pass privileges for an attorney.
6. By-pass privileges are not available to attorney-support personnel, whether it is an investigator, paralegal or expert witness. A person who assists a lawyer with disabilities to access the courthouse may apply for a by-pass along with the lawyer with disabilities.

I. Background checks for by-pass

1. Except for elected officials who may be granted by-pass privileges by the presiding judge and judicial officers, a criminal background check shall take place before a by-pass is issued. For attorneys, the cost of a criminal background check shall be paid for by the applicant, and the administrative costs of the application shall be paid for by the applicant. The security by-pass privilege and card shall only apply to designated security entrances and, even then, entrants will be subject to random screening.
2. Background checks shall include ACJIS and fingerprint check, and shall be redone every two to three years for those persons allowed to maintain their badge for more than one year. Results of background checks should be reviewed by the appointing authority or his/her designee on a case-by-case basis to determine if bypass should be given. A supplemental application form must be filled out upon every renewal.

J. Other provisions

1. Independent contractors who work within the courthouse shall not be granted by-pass privileges, or access to the courthouse without screening, without a criminal background check and permission of the Court Administrator. The Court Administrator shall monitor the list of independent contractors who enter the courthouse.

2. Other by-pass cards issued in the past to media, investigators, paralegals and other groups of personnel are eliminated. These cards shall terminate by October 1, 2004. Others provisions of this order, when a specific date is not indicated, shall be implemented as soon as reasonably practicable.
3. The Presiding Judge may designate additional individuals for security by-pass.
4. Only Judicial Officers and persons designated by the Presiding Judge or Court Administrator shall have after-business hours card access to the courthouse.

EFFECTIVE this 13th day of September, 2004.

Colin F. Campbell
Presiding Judge

Original: Clerk of the Superior Court

Copies: Marcus Reinkensmeyer, Trial Courts Administrator
David Smith, County Administrator
William J. Duffy, Security Director
Judicial Executive Committee Members
James Haas, Maricopa County Public Defender
Mark Kennedy, Office of Contract Counsel
Susan Sherwin, Office of the Legal Advocate
Robert Briney, Office of the Legal Defender
The Honorable Richard Romley, County Attorney
The Honorable Michael Jeanes, Clerk of the Court